

REMARKS

In the Office Action mailed September 29, 2003, Claims 2, 3, 5, 7-9, 12 and 13 are rejected under U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski or Pan in view of Grabowski taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al.

Rejections under 35 U.S.C. §103(a)

Claims 2, 3, 5, 7-9, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski or Pan in view of Grabowski taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al. Applicants respectfully disagree with the Examiner's contention regarding the cited art.

As has been stated previously, Pan discloses aromatic carbonate polymers containing a metal oxide of different metals, i.e., aluminum, magnesium, lithium, lanthanum, bismuth or yttrium. The reference further discloses, at col. 7, lines 55-64, that usual additives may be inserted into the composition. Pan, however, fails to disclose or even suggest inclusion of a vinyl copolymer as is instantly claimed. Further, Grabowski and Wang et al. fail to add the missing teaching leading one of ordinary skill in the art to the instantly claimed invention.

Grabowski relates to the improvement of the thermoplasticity of the polycarbonates and in particular contemplates the blending of polycarbonates with certain graft copolymers containing butadiene, acrylonitrile and styrene at col. 1, lines 20-24. This reference describes the well-known PC/ABS compositions and teaches how to improve the thermoplasticity of polycarbonate. Nowhere in Grabowski is there disclosed or suggested the use of an aluminum compound as instantly claimed. Further, the Examiner has failed to point to where Grabowski teaches or suggests inclusion of both 1 to 30 parts by wt. of a vinyl copolymer and 0.5 to 60 parts by wt. of a graft polymer as is instantly claimed.

Wang et al. is directed to a topical carpet treatment. Applicants seriously question whether one of ordinary skill in the art would be motivated to consult such a reference when setting out to make a thermoplastic molding compound, even for "evidence" of available aluminum compounds. Further, the fact that a compound was commercially available is of no consequence to the patentability of a thermoplastic molding compound including it if there is no teaching or suggestion in the art for its inclusion.

As stated in MPEP §2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, citing *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). Clearly there is no such teaching, suggestion or motivation shown in the references in this case.

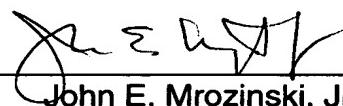
Therefore, applicants contend that nothing in the combined teaching of the cited art would lead one of ordinary skill in the art to the instantly claimed invention and respectfully request the Examiner reconsider and reverse her rejection of Claims 2, 3, 5, 7-9, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski or Pan in view of Grabowski taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al.

Conclusion

Applicants have amended Claims 5 and 7 and contend that such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2, 3, 5, 7-9, 12 and 13. If the Examiner is of the opinion that the instant application is in condition for other than allowance, she is invited to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

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